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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,097	03/30/2001	Guangdian Gordon Wu	068508.0102	9058
23640	7590	10/03/2005	EXAMINER	
BAKER BOTTS, LLP 910 LOUISIANA HOUSTON, TX 77002-4995			OSMAN, RAMY M	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,097

Applicant(s)

WU, GUANGDIAN GORDON

Examiner

Ramy M. Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37, 51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37, 51 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. This communication is responsive to amendment filed July 5, 2005, where applicant amended claims 1, 51 and 52. Claims 1-37, 51 and 52 are pending.

Response to Arguments

1. Applicant's arguments filed 7/5/2005 have been fully considered but they are not persuasive.
2. Applicant amended the claims to recite the limitation "one or more other users" and states that Fabri does not disclose this.

In reply, Fabri inherently teaches that more than one user can access the portal [see paragraph 0015], where Fabri states that the portal stores data about multiple users.

3. Applicant argues that Fabri does not teach or suggest the personal base interacting "with users other than the owner user" (see applicants remarks pg 14).
4. In reply, the concept of a 'personal base owner' is not detailed or reflected in the claim language. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the claims are broadly interpreted as mentioned above.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1,2-5,15-26,31-37,51 and 52 rejected under 35 U.S.C. 102(e) as being anticipated by Fabri et al (Publication No US 2002/0116386A1).**

4. In reference to claims 1,51 and 52, Fabri teaches a personal base process on a computer system, on a computer network, and on a portable computer system respectively, where said computer system, computer network and portable computer system have multiple nodes that are interconnected to facilitate communication between said nodes, said personal base process comprising:

a personal base instance on at least one of said nodes on said computer system, said personal base instance being constructed and arranged to communicate with a user and one or more other users (page 1 paragraphs [0014] – [0016], Fabri discloses a personal preference profile on a node which a user can connect to. In paragraph [0015], Fabri inherently refers to more than one user accessing the portal); and

a personal base server on at least one of said nodes on said computer system, said personal base server being constructed and arranged to communicate with said personal base instance and at least one of said nodes of said computer system other than said user (page 1

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paragraphs [0014] – [0016], Fabri discloses a portal server containing a personal preference profile which multiple users can connect to).

5. In reference to claims 2 and 3, Fabri teaches the personal base process as in claim 1 , wherein said personal base process further comprises a database in functional communication with said personal base instance, said database constructed and arranged to store data originating from said personal base instance (page 2 paragraphs [0033, 0037 and 0038], Fabri discloses storage for storing user preference data).

6. In reference to claims 4 and 5, Fabri teaches a personal base process as in claim1 , wherein said personal base process further comprises a database in functional communication with said personal base instance, said database constructed and arranged to provide data to said personal base instance (page 2 paragraphs [0033, 0037 and 0038], Fabri discloses storage for providing user preference data).

7. In reference to claims 8,10 and 12, Fabri teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second instance of a personal base (page 1 paragraphs [0016 – 0024] and page 2 paragraphs [0025 – 0033], Fabri discloses many instances of the preference list in communication with the portal server).

8. In reference to claim 9, Fabri teaches the personal base process as in claim 1 , wherein said node of said system in communication with said personal base server is a second user (page 1 paragraphs [0014] – [0016], Fabri discloses multiple users).

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9. In reference to claim 11, Fabri teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a second personal server (page 2 paragraph [0034]).

10. In reference to claims 13 and 14, Fabri teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is another software process; and a third party institution (page 2 paragraphs [0034-0036]).

11. In reference to claims 15-26, 31 and 32, Fabri teaches the personal base process as in claim 1, wherein said node of said system in communication with said personal base server is a telephone caller; an e-mailer, via a telephone; via a personal computer; via a facsimile; via a personal digital assistant; via a keyboard; via a touch sensitive video screen; via e-mail; via a Web page; via a mobile telephone; via a server computer; via a pager (page 1 paragraph [0014] and page 2 paragraphs [0043 – 0044]).

12. In reference to claim 33, Fabri teaches the personal base process as in claim 1, wherein said personal base has at least one special layer devoted to a specific function (page 1 paragraphs [0016 – 0024] and page 2 paragraphs [0025 – 0033]).

13. In reference to claim 35, Fabri teaches the personal base process as in claim 33, wherein said special layer is devoted to employer information (page 1 paragraphs [0020-0021], Fabri discloses business and company information which can be employer information).

14. In reference to claim 36, Fabri teaches the personal base process as in claim 33, wherein said special layer is devoted to scheduling information (page 2 paragraphs [0027 and 0032]).

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15. In reference to claim 37, Fabri teaches the personal base process as in claim 33, wherein said special layer is devoted to messages (page 2 paragraph [0029], Fabri discloses news messages).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 6,7,27-30 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Fabri et al (Publication No US 2002/0116386A1) in view of Moshfeghi et al (US Patent No 6,076,166).

18. In reference to claims 6 and 34, Fabri teaches the personal base process as in claim 1. Fabri fails to explicitly teach wherein said personal base server has a dedicated medical layer. However, Moshfeghi teaches a personalized hospital portal for the purpose of personalizing medical network accessibility for users (column 2 lines 5-10, 25-40 & 58-64).

It would have been obvious for one of ordinary skill in the art to modify Fabri by making the personal base server as a dedicated medical layer as per the teachings of Mashfeghi for the purpose of personalizing medical network accessibility for users.

19. In reference to claim 7, Fabri teaches the base process as in claim 6. Fabri fails to explicitly teach wherein said node of said system in communication with said dedicated medical

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layer of said personal base server is a medical institution. However, Moshfeghi teaches a personalized hospital (medical institution) portal for the purpose of personalizing medical network accessibility for users (column 2 lines 5-10, 25-40 & 58-64).

It would have been obvious for one of ordinary skill in the art to modify Fabri by making the node of said system in communication with said dedicated medical layer of said personal base server is a medical institution as per the teachings of Mashfeghi for the purpose of personalizing medical network accessibility for users.

20. In reference to claim 27, Fabri teaches the personal base process as in claim 1. Fabri fails to explicitly teach wherein communication between said personal base instance and said user is via a smart card. However, Moshfeghi teaches portal communication via a smart card for the purpose of personalizing medical network accessibility for users (column 1 lines 45-57 and column 4 lines 5-10 & 43-60).

It would have been obvious for one of ordinary skill in the art to modify Fabri by making communication between said personal base instance and said user is via a smart card as per the teachings of Moshfeghi for the purpose of personalizing medical network accessibility for users.

21. In reference to claims 28-30, Fabri teaches the personal base process as in claim 1, including where a user is authenticated (page 2 paragraph [0033]). Fabri fails to explicitly teach wherein said communication between said personal base instance and said user is authenticated via an identification card; via a smart card; and via a credit card. However, Moshfeghi teaches portal communication via an identification card, a smart card, and a credit card for the purpose of reliably personalizing medical network accessibility for users (column 1 lines 45-57 and column 4 lines 5-10 & 43-60).

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It would have been obvious for one of ordinary skill in the art to modify Fabri by making communication between said personal base instance and said user is authenticated via an identification card; via a smart card; and via a credit card as per the teachings of Moshfeghi for the purpose of reliably personalizing medical network accessibility for users.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
September 20, 2005


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100